



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.361 of 2023
and
C.M.P(MD)No.7807 of 2023

H.Divya

... Petitioner/Respondent

Vs.

R.Kannan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of Civil Procedure Code, to withdraw the case on the file of the Family Court, Theni, in H.M.O.P.No.991 of 2022 and transfer the same to the Family Court, Madurai.

For Petitioner
For Respondent

:Mr.R.G.Shankar Ganesh
:Mr.A.Arumugam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Theni, in H.M.O.P.No.991 of 2022 and transfer the same to the Family Court, Madurai.



2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3. The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 27.01.2010 and out of their wedlock, they were blessed with two children. Due to some misunderstanding between them, the petitioner was constrained to file a petition in D.V.M.C.No.63 of 2022 before the Judicial Magistrate Court/Additional Mahila Court, Madurai. Further, the petitioner along with her children filed a petition in M.C.No.16 of 2022 before the Chief Judicial Magistrate Court, Madurai. After the filing of the above petitions, the respondent/husband filed a petition in H.M.O.P.No.991 of 2022 before the Family Court, Theni, for restitution of conjugal rights. Now the petitioner is residing in her parental home at Madurai and the distance between Madurai and Theni is approximately 75 kms. Therefore, it is very difficult for her to travel from Madurai to Theni and hence, she prays for transferring the case from Kulithalai to the Dindigul.

4. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be ordered.



5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.991 of 2022 pending on the file of the Family Court, Theni, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Family Court Judge, Theni, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.991 of 2022 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry if any. The Family Court Judge, Madurai, is directed to refer the matter to the Mediation Centre attached to the Family Court, Madurai, if it is required. No costs. Consequently, the connected miscellaneous petition is closed.

04.08.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

- 1.The Family Court,
Madurai.
- 2.The Family Court,
Theni.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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